

REMARKS

In response to the above-noted Office action, claim 1 has now been restricted in scope in an effort to distinguish the invention from US 4374574 (David) and a combination of David, Wu, Ancona et al., Lin McCowin and Florian. Essentially, amended claim 1 now incorporates claims 9, 10 and 11, which have been cancelled as well as part of claim 8.

The examiner contends that David anticipates claims 1-5, 8 and 14-18. This rejection is, therefore, overcome by the incorporation of claims 9, 10 and 11 into claim 1, as the Examiner does not contend that any one of claims 9, 10 and 11 are anticipated by David.

Likewise, the citation of Wu is overcome because the Examiner has only applied David in view of Wu against claims 6, 7 and 19. The same applies to Lee et al. which in combination with David has only been cited against claims 9 and 22.

In rejecting claims 9 and 10 which, as noted above, are now incorporated into claim 1 as well a portion of claim 8, the Examiner relies upon the teaching of Ancona et al. In the action, the Examiner contends that Ancona discloses a food spinner “with an opening (28) in the upper casing connected to a chute which extends through an opening in a partition separating the rack from the container containing grindable product in order to add more food in the container” referring in particular to Figure 4. In response, as disclosed in Ancona, opening (28) also referred to as opening (16) in Figure 1, is for inserting hard vegetables or other food items to be sliced by an optional slicing blade (see col. 3, lines 17-19 and lines 29-30).

In rejecting claim 11, the Examiner contends that Ancona discloses a lid for the opening, referring to Figure 4. However, the limitation of claim 11, now in claim 1, requires that the lid be “moveable to open and close the opening in the upper casing.” However, according to Ancona, the opening 16 or 28, is not subject to being closed by a moveable lid. Additionally, the claims call for the opening being for introducing grindable products into the container. While Ancona includes grating projections 74, consistent with an operation which can be performed on hard vegetables or other food items which can be sliced, Ancona contains no teaching or suggestions with respect to the grinding of foods. It is also noted that Ancona et al. is electrically

powered. Accordingly, given the lack of a mechanism for closing the opening, the fact that electrical power is required and the fact that Ancona et al. is directed to a salad spinner, which has the capability of slicing or grating vegetables, but not grinding, combining Ancona with David does not result in a combination as set forth in claim 1. Moreover, as noted above, even if such a combination could possibly be made, the limitation of a lid moveable to open and close the opening in the upper casing would still be missing.

The Examiner rejects claims 12 and 13 on the basis of a combination of David, Ancona et al. and Lin. The Examiner claims that Lin teaches a lid (2) with an opening (23) which may be rotated about a fastener (14) which on an axis parallel to the axis of the shaft (31). Effectively, item 2 in Lin, to the extent it is at all relevant, corresponds to an upper casing, not a lid. The claims as amended relate to an opening in the upper casing with which opening is associated a lid, which may be rotated to cover the opening or open the opening as the case may be. Moreover Ancona et al. also does not show a lid, as that term is used by Applicant. A skilled person looking at Lin would simply see item 2 as a means of attaching a casing to a container rather than providing some answer to how a lid might be used to cover opening (23) of Lin.

At the rejection of Claim 23, it is accepted that McCowin discloses a transparent container in a condiment mill. However, as discussed above, the combination of McCowin does not overcome the shortcomings identified in the Examiner's combination of David and Ancona et al.

Regarding the rejection of Claims 24 and 25 based upon the combination of David, Ancona, and Florian, Applicant notes that Florian is directed to a power tool for pruning hedges and other relatively heavy growth. In this connection, Applicant submits that the mere fact Florian is directed to a hand cutting device which includes a latch mechanism is not a sufficient basis upon which a person skilled in the art would think to combine it with inventions in the food grinding art. Furthermore, claims 24 and 25 incorporate the limitations of claim 1 which is distinguishable over the prior art of record for the reasons noted above, which teachings are not in any way disclosed by Florian.